

**EXHIBIT B**  
**Declaration of Jeff Kelley, Esq.**

**LOWENSTEIN SANDLER PC**

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*Counsel to David Irwin*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re

MOTORS LIQUIDATION COMPANY, *et al.*,  
f/k/a General Motors Corp., *et al.*

Debtors.

)  
)  
) Chapter 11  
)  
) Case No. 09-50026 (REG)  
) Jointly Administered  
)  
)

**DECLARATION OF JEFF KELLEY, ESQ. IN SUPPORT OF MOTION OF DAVID  
IRWIN FOR RELIEF FROM THE AUTOMATIC STAY TO CONDUCT LIMITED  
INTRUSIVE TESTING OF DEBTORS' PROPERTY**

I, Jeff Kelley, Esq., pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney in the law firm of Harding & Associates, P.C., which maintains offices at 730 16<sup>th</sup> Street, Suite 650, Denver, Colorado 80202. I represent David Irwin in litigation relating to injuries he suffered in a motor vehicle accident. I am familiar with the matters set forth herein, and make this declaration in support of the *Motion of David Irwin for Relief From the Automatic Stay To Conduct Limited Intrusive Testing of Debtors' Property* (the "Motion") filed contemporaneously herewith.<sup>1</sup>

2. A true and correct copy of the Sales Invoice documenting Irwin's purchase of the Vehicle is annexed hereto as Exhibit 1.

<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

3. A true and correct copy of the State of Colorado Traffic Accident Report detailing the Collision is annexed hereto as Exhibit 2.

4. A true and correct copy of the Estimate of Repairs and Preliminary Supplement With Summary, prepared by M&M Auto, is annexed hereto as Exhibit 3.

5. A true and correct copy of the letter dated April 1, 2009 from Paul Olle, ACE ESIS GM Central Claims Unit, to Phil Harding, Esq. is annexed hereto as Exhibit 4.

6. A true and correct copy of the letter dated May 25, 2009 from Bastiaan E. Cornelissen, Ph.D., P.E. to Robert I. Lapidow, Esq. is annexed hereto as Exhibit 5.

7. Prior to the filing of the Motion, I attempted to contact Debtors, their restructuring advisor, and their bankruptcy counsel via e-mail on numerous occasions to obtain the Debtors' consent to access the Vehicle to perform the Testing, to no avail. True and correct copies of my e-mail messages to and from the Debtors and their professionals are annexed hereto as Exhibit 6.<sup>2</sup>

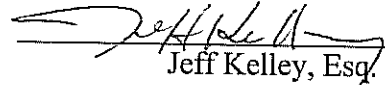
8. On October 28, 2010, I spoke via telephone with Ms. Cheryl Ashton of ESIS, who confirmed that the Vehicle was still in storage, but stated that she could not permit access to the vehicle without speaking to the Debtors' counsel. Not having received a response, I telephoned Ms. Ashton on January 19, 2011 and left her a voicemail message. She returned my call the same day and informed me that she would work on providing access to the Vehicle to perform the Testing, and that she would call me back with contact information for the appropriate individual. To date, I have received no further information from ESIS or the Debtors regarding access to the Vehicle.

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<sup>2</sup> Exhibit 6 has been redacted to remove Irwin's personal e-mail address, which was copied on two e-mail messages. The redactions are clearly marked in black. Upon request of the Court, I will gladly provide the Court with an unredacted copy of Exhibit 6 for *in camera* inspection.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: Denver, Colorado  
March 11, 2011

  
Jeff Kelley, Esq.

**Exhibit 1**  
**Sales Invoice**

**GEBHARDT AUTOMOTIVE**  
 BMW • VOLKSWAGEN • SAAB  
 www.gehardtautofa.com

3180 TWENTYEIGHTH STREET BOULDER COLORADO 80301  
 TEL 303 444 1644 FAX 303 444 1808  
 2470 FORTYNINTH STREET BOULDER COLORADO 80301  
 TEL 303 447 8000 FAX 303 444 0136  
 4740 VALMONT ROAD BOULDER COLORADO 80301  
 TEL 303 447 8000 FAX 303 998 1405

DATE 08/30/08  
 SALES PERSON GEOFFREY E GAI  
 STOCK # S8053  
 CUSTOMER # \_\_\_\_\_

PURCHASER DAVID EDWARD IRWIN PURCHASER \_\_\_\_\_  
 ADDRESS 352 CORTEZ ST CITY STERLING STATE CO ZIP 80751 COUNTY LOGAN  
 PHONE # RESIDENCE (970)571-0185 BUSINESS (970)526-2647 DRIVER LICENSE # \_\_\_\_\_

## MOTOR VEHICLE DESCRIPTION

XXXX NEW XXXX USED MILES 47  
 YEAR 2008 MAKE SAAB MODEL 9-3  
 COLOR Silver BODY \_\_\_\_\_  
 VIN YS3FB49YX81115773

DELIVERED PRICE 30517.89

ADDITIONAL EQUIPMENT N/A

GAP 400.00

SUB TOTAL \$ 30917.89

TRADE ALLOWANCE \$ N/A

TRADE DIFFERENCE \$ 30917.89

DELIVERY/DOCUMENT FEE \$ 399.00

SUB TOTAL (TAXABLE AMOUNT) \$ 31316.89

STATE SALES TAX 2.9 % \$ 896.59

CITY SALES TAX 3.0 % \$ 927.51

RTD SALES TAX .1 % \$ 30.92

MISC 1.0 % \$ 309.17

SUB TOTAL \$ 33481.08

BALANCE OWNED TRADE \$ N/A

IF BAL OWED EXCEEDS THIS AMT. BUYER TO PAY EXCESS

ADDITION TO CASH PRICE \$ \_\_\_\_\_

## EXTENDED SERVICE CONTRACT

MONTHS /A MILES 1800.00

TOTAL AMOUNT DUE \$ \_\_\_\_\_

DEPOSIT RECEIPT # \_\_\_\_\_

ADDITIONAL CASH DOWN PAYMENT \$ 2000.00

RECEIPT # \_\_\_\_\_

BALANCE TO FINANCE OR CASH DUE ON DELIVERY \$ 33281.08

Service Contract: A service contract is available at an extra charge on this vehicle. Dealer has details as to coverage, deductibles, prices, and exclusions. If the Purchaser purchases a service contract at the time of execution of the agreement or within 90 days thereafter, then the Dealer's "As Is" disclaimer of implied warranties in paragraph 10 on the reverse side of this order is ineffective, and the Purchaser shall be deemed to have accepted the Dealer's additional duties.

9/9 d

## USED VEHICLE TRADE IN

YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL N/A  
 COLOR \_\_\_\_\_ MILES \_\_\_\_\_  
 VIN \_\_\_\_\_  
 LIC. # \_\_\_\_\_ TITLE # \_\_\_\_\_  
 BAL. OWED \$ N/A  
 TO \_\_\_\_\_ ACCT. # \_\_\_\_\_  
 QUOTED BY \_\_\_\_\_ DATE 08/30/08

\*The information you see on the window form for this vehicle is part of this contract. Information on the window form overrides any contrary provisions in the contract of sale. Any and all commitments made must be in writing, no verbal agreements.

By: P.E.

ALL USED CARS SOLD "AS IS" UNLESS SEPARATE AGREEMENT IS FURNISHED BUYER.

By: \_\_\_\_\_

Dealer to arrange financing Yes No

Delivery Date: \_\_\_\_\_

## REMARKS

PURCHASER'S REPRESENTATION: I hereby represent that I am 18 years of age or older and agree as follows: (1) that this Order is not transferable; (2) that this order comprises the complete and exclusive statement of the terms of my agreement with the Dealer relating to the subject matter of this order, except for any consumer paper executed by me in conjunction with this purchase, and with respect thereto, cancels and supersedes any and all prior agreements or understandings between the Dealer and me; (3) that this order is not valid until accepted by Dealer or his authorized representative. If the purchase is to be financed, this order is not valid until approved by a bank or finance company willing to purchase or enter into a note or other consumer paper and security agreement with me as part of this purchase; (4) that I hereby acknowledge receipt of a fully filled out and completed copy of this order; (5) that upon delivery of the vehicle, this order shall be deemed to constitute a bill of sale for the vehicle.

\* DELIVERY & HANDLING: This charge represents costs of preparing documents relating to the sale, financing, titling of your purchase.

CAUTION: THIS AGREEMENT CONSISTS OF TWO PAGES. SEE REVERSE SIDE FOR ADDITIONAL TERMS AND CONDITIONS. BUYER(S) HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS AGREEMENT.

THIS AGREEMENT SHALL NOT BECOME BINDING UNTIL ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE. NO VERBAL ORDERS. THIS IS COMPLETE AGREEMENT.

BUYER'S SIGNATURE David Irwin DATE 8-30-08

BUYER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

NOT VALID UNLESS ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE.

ROBERT A PRINTZ Robert A Printz TITLE F&I MGR DATE 8-30-08

<< 9504225076

20:31 20-EO-6002

**Exhibit 2**  
**Traffic Accident Report**

DR 2447 (03/03/06)  
COLORADO DEPARTMENT OF REVENUE

Declaration of Jeff Kelley Esq. Pg 8 of 33

MAIL TO: STATE OF COLORADO  
MOTOR VEHICLE  
TRAFFIC RECORDS  
DENVER, CO 80261-0016

## STATE OF COLORADO TRAFFIC ACCIDENT

☐ AMENDED/SUPPL. ☐ UNDER 1,000 ☐ COUNTER REPORT ☐ PRIVATE PROPERTY PAGE 1 OF 3 PAGES☐ INTERSTATE HWY

HWY NUMBER

☐ STATE HWY

MILEPOINT

☐ CITY ST/CNTY RD

Case # 2009-000788

Date of Accident  
01/29/2009City  
LOVELAND

Agency

Loveland Police Department

County  
LarimerCounty #  
06

Time (24 Hr.)

15:52

Officer Number

049

Officer Name

S. Watts

Signature

Detail

Number Killed

0

Number Injured

2

Location Route, Street, Road

S RAILROAD AV

Miles

Feet

N ☐ S ☐ E ☐ W ☐ OF:☒ AT: S ROOSEVELT AV

Date of Report

01/30/2009

Latitude

Longitude

Agency Code

Investigated @

Scene

Total Vehicles

1

District Number

Public Property/  
Employee

Photos Taken

Railroad Crossing  
RelatedConst. Zone  
RelatedHighway  
Interchg.Bridge  
Related

Traffic Unit #

1

☒ Veh. ☐ Parked ☐ Bicycle ☐ Pedestrian ☐ Non-Vehicle ☐ Non-Contact Veh.

Traffic Unit #

1

☐ Veh. ☐ Parked ☐ Bicycle ☐ Pedestrian ☐ Non-Vehicle ☐ Non-Contact Veh.

Last Name

Irwin

First

David

MI

Last Name

First

MI

Street Address

15693 Deerfield

Personal Phone

Street Address

Personal Phone

City

Sterling

State

CO

ZIP

80751

Bus. Phone

City

State

ZIP

Bus. Phone

Driver License Number

023650714

CDL

State

CO

Sex

M

DOB

06/06/1987

Driver License Number

CDL

State

Sex

DOB

Primary Violation

☒ DUI

Reckless Driving

Primary Violation:

☐ DUI

Violation Code

CRS 42-4-1401

Citation Number

284251

Common Code

140

Violation Code

Citation Number

Common Code

Year

2008

Make

Saab

Model

93

Body Type

SD

Year

Make

Model

Body Type

License Plate Number

188PCA

State or Country

CO

Color

SIL

License Plate Number

State or Country

Color

Vehicle Identification Number

YS3FB48YX81115773

Vehicle Identification Number

Vehicle Owner Last Name

☒ Same

First

MI

Vehicle Owner Last Name

☐ Same

First

MI

Address

☒ Same

City

State

ZIP

Address

☐ Same

City

State

ZIP

Towed Due to Damage

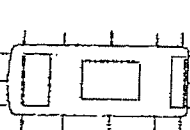
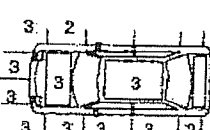
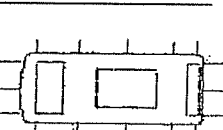
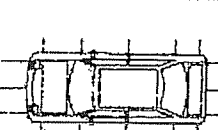
☒ By: Blue Ribbon Towing

Towed Due to Damage

☐ By:

Trailer VIN#

Trailer VIN#

1- Slight  
2- Moderate  
3- Severe1- Slight  
2- Moderate  
3- Severe

Insurance Company

☐ None ☐ No Proof

Exp. Date

02/26/2009

Insurance Company

☐ None ☐ No Proof

Exp. Date

02/26/2009

Policy Number

761792320

Policy Number

Owner Damaged Prop.

Last Name

First

MI

Address

2600 Loumark

City

Fort Worth

State

TX

ZIP

Owner Damaged Prop.

Last Name

First

MI

Address

2600 Loumark

City

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Last Name

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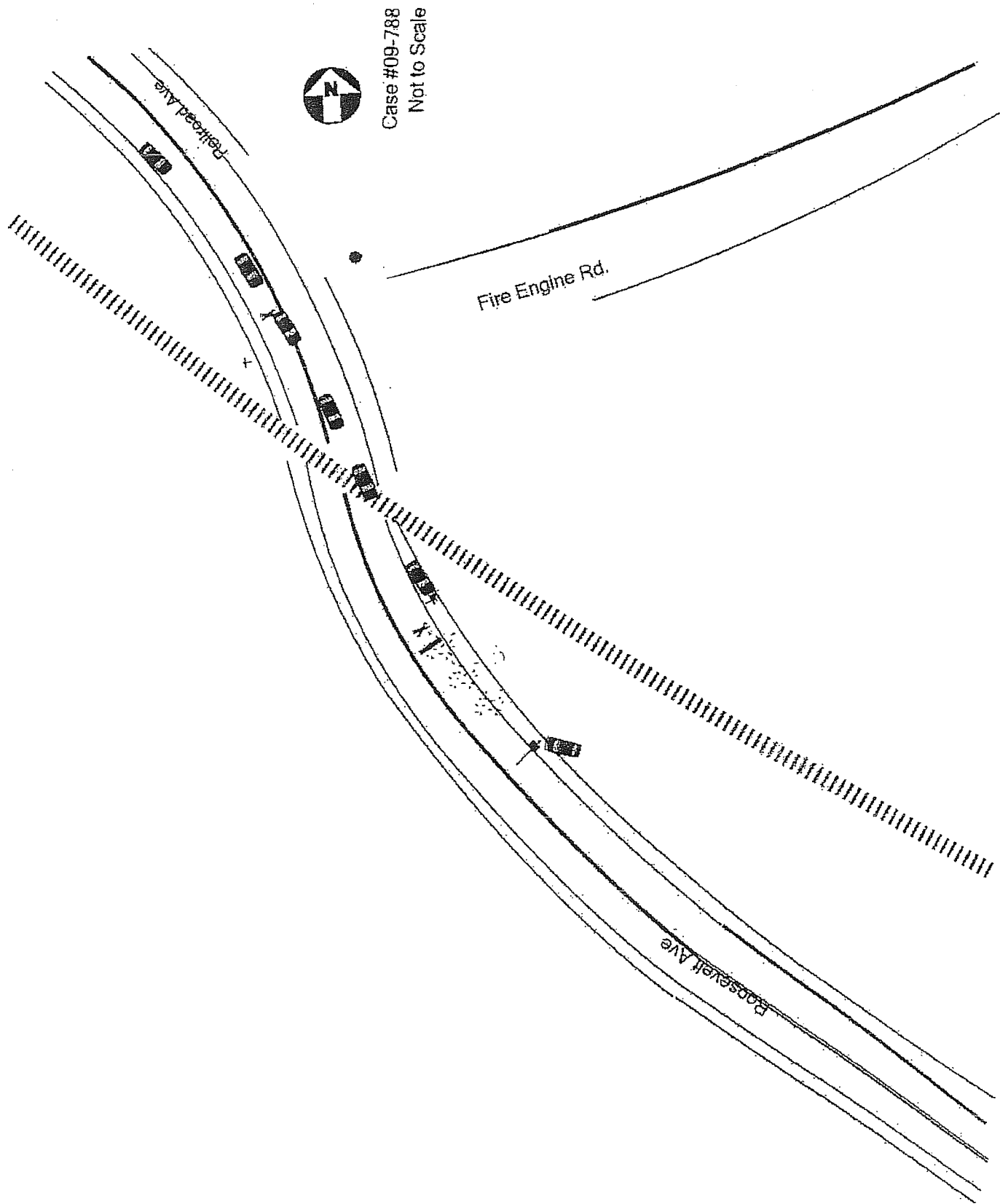


AA	Case #	2009-000788	Accident Date	01/29/2009	Agency	Loveland Police Department	HH
AA	Describe Accident						HH
BB	See Attached Narrative						JJ
CC							KK
CC							KK
DD							KK
DD							LL
EE							LL
EE							LL
FF							MM
FF							MM
GG							NN
GG							NN
GG							NN
GG	Carrier Name	US DOT <input type="checkbox"/> ICC <input type="checkbox"/> State DOT <input type="checkbox"/>			Carrier Identification #		NN
GG	T.U. #	Address			Carrier Identification #		NN
GG	Carrier Name	US DOT <input type="checkbox"/> ICC <input type="checkbox"/> State DOT <input type="checkbox"/>			Carrier Identification #		NN
GG	T.U. #	Address			Carrier Identification #		NN

CASE NUMBER	DATE OF ACCIDENT	AGENCY
2009-000788	01/29/2009	Loveland Police Department
Describe Accident	Page	3 of 3

On 1/29/09 at 15:52 hours Officer Rob Croner called out an accident at Railroad and Roosevelt with driver ejection. When I arrived paramedics were attending to the driver and I was told by Officer Croner what he had observed. I began my investigation and marked the locations of where the car was at rest and where the railroad crossing tower was at rest.

A silver Saab had been southbound on Railroad and where it crosses over the tracks and becomes Roosevelt the driver lost control and went off the left side of the roadway, crossed the tracks and struck the crossing arm tower. The Saab rolled one time and came to rest on its wheels. The driver, identified as David Irwin was ejected and was hanging out of the driver's door. A male passenger got out of the car and left the scene.



Gold: Driver Release Form

Gold: Driver Release Form

03/27/2009

09-50026-mg Doc 9770-2 Filed 03/11/11 Entered 03/11/11 14:37:28 Exhibit B

Declaration of Jeff Kelley Esq. Pg 13 of 33

**City of Loveland Police Department**

**Property Sheet**

**Department Case Number: 09-000788**

**Related Case # 's:**

**Case Information**

**Case Officer:** 130 - Salazar, Andres

**Offense Date/Time:** 01/29/2009 - 15:52Hrs

**Offense Location:** S. Railroad Ave. & Fire Engine Red St.

**Offense Type:** MVA - Motor Vehicle Accident

**Expiration Date:** 07/29/2009

**Jurisdiction:** Larimer County

**Court Date:**

**Disposition:**

**Disposition Date:**

**Case Comments:** Digital Pictures

---

**Case Names**

---

**Case Items**

**Item Number:** 001

**Container #:**

**Process:** Hold for investigative purposes

**Status/Location:** Item Submitted into Property - Drop Box/Slot

**Collection Date/Time:** 01/29/2009 - 15:52Hrs

**Collection Purpose:** Evidence

**Collected By:** 130 - Salazar, Andres

**Collection Location:** Digital Camera

**Packaging/Quantity/Item Type:** One sealed envelope with: - 1 - CD

**Detail Description:** CD Containing Digital Pictures of Vehicle and Crash Scene

**Owner:** There is no owner associated with this item

**Notes:**

---

**Lab Submissions**

Case Officer Signature

Date

Supervisor Signature

DA 3/27/09 *AB*  
Page 1 of 1

**Exhibit 3**  
**Estimate of Repairs and Preliminary Supplement**

Declaration of Jeff Kelley Esq. Pg 15 of 33

05/01/2009 08:44 970-522-5405

MURPHY INS CENTER

PAGE 05/07

10149646

03/25/2009 at 08:21 AM  
29701

Job Number: 712

M & M AUTO SALES & BODY SHOP  
302 South 10th Ave  
Sterling, CO 80751  
(970)522-9477 Fax: (970)522-2192

## ESTIMATE OF RECORD

Written By: TOM MICHEL 11/18/2008 08:21 AM  
Adjuster:

Insured: DAVE IRWIN  
Owner: DAVE IRWIN  
Address: 352 CORTEZ  
STERLING, CO 80751  
Day: (970)571-0185

Claim #  
Policy #  
Deductible:  
Date of Loss:  
Type of Loss:  
Point of Impact:

Inspect  
Location:

Insurance  
Company:

Days to Repair

2008 SAAB 9-3 4-2.0L-T 4D SED Int:

VIN: YS3FB49YX81115773 Lic:

Prod Date:

Odometer:

Air Conditioning	Rear Defogger	Tilt Wheel
Cruise Control	Telescopic Wheel	Intermittent Wipers
Keyless Entry	Theft Deterrent/Alarm	Steering Wheel Controls
Message Center	Tinted Glass	Body Side Moldings
Wood Interior Trim	Dual Mirrors	Console/Storage
Traction Control	Stability Control	Fog Lamps
Signal Integrated Mirrors	Clear Coat Paint	Power Steering
Power Brakes	Power Windows	Power Locks
Power Driver Seat	Power Mirrors	Heated Mirrors
AM Radio	FM Radio	Stereo
Search/Seek	CD Player	Satellite Radio
Anti-Lock Brakes (4)	Driver Air Bag	Passenger Air Bag
Head/Curtain Air Bags	Front Side Impact Air Bag	Rear Side Impact Air Bags
4 Wheel Disc Brakes	Communications System	Leather Seats
Bucket Seats	6 Speed Transmission	Overdrive
Aluminum/Alloy Wheels		

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
1		FRONT DOOR					
2	Repl	LT Outer panel	1	455.00		6.0	2.2
3		Add for Clear Coat					0.9
4		Add for mirror				0.4	
5		Add for Edging					0.5
6		Add for Clear Coat					0.1
7		Add for Inside					0.5
8		Add for Clear Coat					0.1
9	R&I	LT R&I trim panel				Incl.	

1

03/25/2009 at 08:21 AM  
29701

Job Number: 712

## ESTIMATE OF RECORD

2008 SAAB 9-3 4-2.0L-T 4D SED Int:

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
10#	Repl	PANEL BOND KIT	1		55.63		
11		REAR DOOR					
12	Blnd	LT Door shell					1.1
13	R&I	LT R&I trim panel				0.4	
14	R&I	LT Handle, outside				0.3	
15	R&I	LT Belt w'strip				0.3	
16		FENDER					
17	Blnd	LT Fender					1.0
18	R&I	LT Fender liner 2.0L				0.3	
19		FRONT LAMPS					
20	R&I	LT Repeater lamp				0.1	
21		FRONT BUMPER & GRILLE					
22	R&I	R&I bumper assy				1.2	
23		PILLARS, ROCKER & FLOOR					
24*	R&I	LT Rocker molding				0.4	
25*	Rpx	LT Rocker molding black				0.3	0.8
26#	Refn	CORROSION PRO.					0.3
27#	Refn	SAND AND BUFF					1.0
Subtotals ==>					510.63	9.7	8.5

Parts		510.63
Body Labor	9.7 hrs @ \$ 50.00/hr	485.00
Paint Labor	8.5 hrs @ \$ 50.00/hr	425.00
Paint Supplies	8.5 hrs @ \$ 34.00/hr	289.00

SUBTOTAL		\$ 1709.63
Sales Tax	\$ 799.63 @ 7.0000%	55.97
GRAND TOTAL		\$ 1765.60

ADJUSTMENTS:		
Deductible		0.00
CUSTOMER PAY		\$ 0.00
INSURANCE PAY		\$ 1765.60

IT IS UNLAWFUL TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, DENIAL OF INSURANCE, AND CIVIL DAMAGES. ANY INSURANCE COMPANY OR AGENT OF AN INSURANCE COMPANY WHO KNOWINGLY PROVIDES FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO A POLICYHOLDER OR CLAIMANT FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE POLICYHOLDER OR CLAIMANT WITH REGARD TO A SETTLEMENT OR AWARD PAYABLE FROM INSURANCE PROCEEDS SHALL BE REPORTED TO THE COLORADO DIVISION OF INSURANCE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.



05/01/2009 08:44

970-522-5405

MURPHY INS CENTER

PAGE 07/07

Job Number: 712

03/25/2009 at 08:21 AM  
29701

## ESTIMATE OF RECORD

2008 SAAB 9-3 4-2.0L-T 4D SED Int:

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide ERK7320, CCC Data Date 10/01/2008, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (-) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2009 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

05/04/2009 at 04:33 PM  
29701

Job Number: 712

M & M AUTO SALES & BODY SHOP  
302 South 10th Ave  
Sterling, CO 80751  
(970)522-9477 Fax: (970)522-2192

PRELIMINARY SUPPLEMENT 1 WITH SUMMARY

Written By: TOM MICHEL  
Adjuster:

Insured: DAVE IRWIN  
Owner: DAVE IRWIN  
Address: 352 CORTEZ  
STERLING, CO 80751  
Day: (970)571-0185

Claim #  
Policy #  
Deductible:  
Date of Loss:  
Type of Loss:  
Point of Impact:

Inspect  
Location:

Insurance  
Company:

Days to Repair

2008 SAAB 9-3 4-2.0L-T 4D SED Int:

VIN: YS3FB49YX81115773 Lic:

Prod Date:

Odometer:

Air Conditioning	Rear Defogger	Tilt Wheel
Cruise Control	Telescopic Wheel	Intermittent Wipers
Keyless Entry	Theft Deterrent/Alarm	Steering Wheel Controls
Message Center	Tinted Glass	Body Side Moldings
Wood Interior Trim	Dual Mirrors	Console/Storage
Traction Control	Stability Control	Fog Lamps
Signal Integrated Mirrors	Clear Coat Paint	Power Steering
Power Brakes	Power Windows	Power Locks
Power Driver Seat	Power Mirrors	Heated Mirrors
AM Radio	FM Radio	Stereo
Search/Seek	CD Player	Satellite Radio
Anti-Lock Brakes (4)	Driver Air Bag	Passenger Air Bag
Head/Curtain Air Bags	Front Side Impact Air Bag	Rear Side Impact Air Bags
4 Wheel Disc Brakes	Communications System	Leather Seats
Bucket Seats	6 Speed Transmission	Overdrive
Aluminum/Alloy Wheels		

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
1		FRONT DOOR					
2	Repl	LT Outer panel	1	455.00		6.0	2.2
3		Add for Clear Coat					0.9
4		Add for mirror				0.4	
5		Add for Edging					0.5
6		Add for Clear Coat					0.1
7		Add for Inside					0.5
8		Add for Clear Coat					0.1
9	R&I	LT R&I trim panel				Incl.	

05/04/2009 at 04:33 PM  
29701

Job Number: 712

**PRELIMINARY SUPPLEMENT 1 WITH SUMMARY**  
2008 SAAB 9-3 4-2.0L-T 4D SED Int:

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
10#	Repl	PANEL BOND KIT	1	55.63		
11	S01 Repl	LT Lower seal clip	9	17.10	Incl.	
12	S01 Repl	LT Lower seal retainer	9	17.10	Incl.	
13	S010 Repl	LT Sound absorber	1		Incl.	
14		REAR DOOR				
15	Blnd	LT Door shell				1.1
16	R&I	LT R&I trim panel			0.4	
17	R&I	LT Handle, outside			0.3	
18	R&I	LT Belt w'strip			0.3	
19		FENDER				
20	Blnd	LT Fender				1.0
21	R&I	LT Fender liner 2.0L			0.3	
22		FRONT LAMPS				
23	R&I	LT Repeater lamp			0.1	
24		FRONT BUMPER & GRILLE				
25	R&I	R&I bumper assy			1.2	
26		PILLARS, ROCKER & FLOOR				
27*	R&I	LT Rocker molding			0.4	
28*	Rpr	LT Rocker molding black			0.3	0.8
29#	Refn	CORROSION PRO.				0.3
30#	Refn	SAND AND BUFF				1.0
31#	S01 Repl		1			
Subtotals ==>				544.83	9.7	8.5

Parts	544.83
Body Labor	9.7 hrs @ \$ 50.00/hr 485.00
Paint Labor	8.5 hrs @ \$ 50.00/hr 425.00
Paint Supplies	8.5 hrs @ \$ 34.00/hr 289.00

SUBTOTAL	\$ 1743.83
Sales Tax	\$ 833.83 @ 7.0000% 58.37

GRAND TOTAL	\$ 1802.20
-------------	------------

ADJUSTMENTS:  
Deductible 0.00

CUSTOMER PAY	\$ 0.00
INSURANCE PAY	\$ 1802.20

05/04/2009 at 04:33 PM  
29701

Job Number: 712

**PRELIMINARY SUPPLEMENT 1 WITH SUMMARY**  
2008 SAAB 9-3 4-2.0L-T 4D SED Int:

IT IS UNLAWFUL TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, DENIAL OF INSURANCE, AND CIVIL DAMAGES. ANY INSURANCE COMPANY OR AGENT OF AN INSURANCE COMPANY WHO KNOWINGLY PROVIDES FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO A POLICYHOLDER OR CLAIMANT FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE POLICYHOLDER OR CLAIMANT WITH REGARD TO A SETTLEMENT OR AWARD PAYABLE FROM INSURANCE PROCEEDS SHALL BE REPORTED TO THE COLORADO DIVISION OF INSURANCE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide ERK7320, CCC Data Date 03/02/2009, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2009 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

05/04/2009 at 04:33 PM  
29701

Job Number: 712

**PRELIMINARY SUPPLEMENT 1 WITH SUMMARY**  
2008 SAAB 9-3 4-2.0L-T 4D SED Int:

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
----- ADDED ITEMS -----						
11	S01	Repl LT Lower seal clip	9	17.10	Incl.	
12	S01	Repl LT Lower seal retainer	9	17.10	Incl.	
13	S010	Repl LT Sound absorber	1		Incl.	
31#	S01	Repl	1			
Subtotals ==>				34.20	0.0	0.0

Parts						34.20
-----						
SUBTOTAL					\$	34.20
Sales Tax			\$ 34.20 @	7.0000%		2.39
Additional Supplement Taxes						0.01
-----						
TOTAL SUPPLEMENT AMOUNT					\$	36.60
-----						
NET COST OF SUPPLEMENT					\$	36.60

Estimate 1765.60 TOM MICHEL  
Supplement S01 36.60 TOM MICHEL

Job Total \$ 1802.20

INSURANCE PAY \$ 1802.20

IT IS UNLAWFUL TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, DENIAL OF INSURANCE, AND CIVIL DAMAGES. ANY INSURANCE COMPANY OR AGENT OF AN INSURANCE COMPANY WHO KNOWINGLY PROVIDES FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO A POLICYHOLDER OR CLAIMANT FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE POLICYHOLDER OR CLAIMANT WITH REGARD TO A SETTLEMENT OR AWARD PAYABLE FROM INSURANCE PROCEEDS SHALL BE REPORTED TO THE COLORADO DIVISION OF INSURANCE WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

05/04/2009 at 04:33 PM  
29701

Job Number: 712

**PRELIMINARY SUPPLEMENT 1 WITH SUMMARY**  
2008 SAAB 9-3 4-2.0L-T 4D SED Int:

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide ERK7320, CCC Data Date 03/02/2009, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2009 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

The Estimate of Repair includes parts, labor, diagnosis, and any applicable taxes. If, on further inspection, additional parts or repairs are needed, you will be contacted for authorization. We are not responsible for loss or damage to your vehicle from fire, theft, accidents or any cause beyond our control. All tests will be made by our employees at your risk.

AUTHORIZED SIGNATURE: [Signature] DATE: 11-11-2008

ADD'L REPAIR AUTHORIZATION AMOUNT: \$ 36.60 DATE: 11-11-2008

PHONE NO.: \_\_\_\_\_ TIME: \_\_\_\_\_ PERSON CONSENTING: \_\_\_\_\_

If vehicle is returned to customer before authorized repairs are performed, a diagnostic and handling charge, including reassembly, will be made.

POWER OF ATTORNEY - «Field 23»

I do hereby appoint the aforementioned business as my attorney in fact to accept on my behalf any and all checks, drafts, or bills of exchange for deposit to the aforementioned business' account for credit on my account for repairs on my vehicle which has been released and accepted.

ACCEPTED BY: \_\_\_\_\_ M&M AUTO BODY & REPAIR  
302 South 10th Ave.  
Sterling, CO 80751  
Phone 970-522-9479  
DATE: 11-11-2008  
[Signature]

«Field 23»

DEDUCTIBLE: \$ «Field 45»

Received From	Amt Rec'd	Type of Payment	Balance Due
	\$	<u>Claim No. 500-9631</u>	<u>\$ 36.60</u>
	\$		
	\$		
	\$		

**Exhibit 4**  
**Letter from ESIS/GM Central Claims Unit**





**esis**

ESIS/GM Central Claims Unit  
P.O. Box 300  
Mail Code 482 C19 B61  
Detroit, MI 48265-3000

800.888.0164 *tel*  
313.665.0911 *fax*

**Paul Olle**  
Claims Administrator

April 1, 2009

PHIL HARDING  
HARDING & ASSOCIATES  
730 17TH STREET, #650  
DENVER, CO 80202

RE: Claimant: David Irwin  
Our File No.: 668545  
Our Client: General Motors Corporation  
Date/Event: 1/29/2009  
Subject Vehicle: 2008 Saab 9-3  
VIN: YS3FB49YX81115773

Dear Mr. Harding:

This letter serves to notify you that GM will be attempting to purchase the subject vehicle when it is auctioned.

However, the subject vehicle and its related components are the evidence of your client's claim. While GM is making an effort to purchase and preserve the subject vehicle, it is your client's obligation and responsibility to ensure that the subject vehicle and its related components are maintained and preserved in their immediate post-incident condition for as long as he intends to pursue a claim and/or cause of action.

So we may further investigate your claim regarding the driver's door of the subject vehicle, we request that you provide us with the following information:

1. Statement describing the incident, outlining the date, time and events regarding this matter. Also statements of other witnesses, if available would be appreciated;
2. Proof of defect in the subject vehicle, including expert's reports, mechanic statements, or other supporting documentation;
3. All medical records concerning the injuries suffered as a result of this accident;
4. Original photographs (or color copies) taken by you, or someone on your behalf, of the vehicle that is the basis of your claim;
5. Documentation to substantiate the type and amount of damages claimed;

When we have received this information, we will be in a better position to consider your claim. Should you have any questions regarding this letter or your claim, please do not hesitate to contact me directly at 800.888.0164, Monday through Friday, 8:00 a.m. to 4:30 p.m., EST

Sincerely,

A handwritten signature in black ink, appearing to read "Paul", followed by a long, horizontal, slightly wavy line.

Paul Olle  
Claims Administrator

**Exhibit 5**

**Letter from Bastiaan E. Cornelissen, Ph.D., P.E.**



*Event Analysis Group, LLC*

May 25, 2009

EAG118-09

Mr. Robert I. Lapidow, Esq.  
Overturf, McGath, Hull & Doherty  
625 East 16<sup>th</sup> Avenue, Huddart Terrace  
Denver, Colorado 80203

Re: Your Client: M&M Auto Body


Dear Mr.Lapidow:

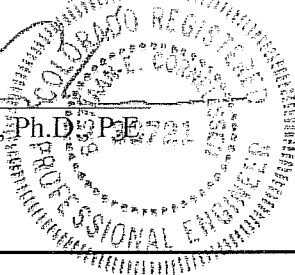
Per your request, Event Analysis Group, LLC performed a non-destructive inspection of the Irwin Saab at Front Range Automotive on May 19, 2009 in the presence of representatives for GM and Irwin. Based on the results of this preliminary inspection, I recommend the following additional steps:

- Document condition of door.
- Remove driver's door by removing bolts connecting hinges to door. Leave hinges attached to car body. Disconnect other components as required to free door.
- Remove door skin panels to expose lock mechanism, window actuators, and other internal components.
- Examine linkages and other internal door components.
- Operate door lock mechanism to determine post-impact functionality
- Other tests and inspections as agreed to by parties present.

Very truly yours,

EVENT ANALYSIS GROUP, LLC

  
Bastiaan E. Cornelissen, Ph.D. P.E.  
Principal



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16154 Sandstone Drive  
Morrison, CO 80465  
(303) 503-0411

**Exhibit 6**  
**E-Mail Messages to Debtors and Professionals**

**From:** Falabella, Pablo <pablo.falabella@weil.com>

**To:** Jeff Kelley <kelleylawfirm@aol.com>

**Cc:** phil@hlaw.org <phil@hlaw.org>; [REDACTED]

**Subject:** RE: Our Client / Claimant: David Irwin - Proof of Claim No: 25376

**Date:** Tue, May 4, 2010 2:50 pm

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I will pass this along to the client and inform you once I hear back from them.

Thanks,

**Pablo Falabella**

**Weil, Gotshal & Manges LLP**

Direct Dial: (212) 310-8050 | Fax: (212) 310-8007

767 Fifth Avenue, New York, NY 10153

[pablo.falabella@weil.com](mailto:pablo.falabella@weil.com)

---

**From:** Jeff Kelley [<mailto:kelleylawfirm@aol.com>]

**Sent:** Tuesday, May 04, 2010 4:48 PM

**To:** Falabella, Pablo

**Cc:** phil@hlaw.org; [REDACTED]

**Subject:** Re: Our Client / Claimant: David Irwin - Proof of Claim No: 25376

Dear Mr. Falabella, I am following up on the status of the ADR process as it applies to Mr. David Irwin's claims. Specifically, the vehicle in which Mr. Irwin was injured is being held in storage, in Englewood Colorado, at the direction and control of ESIS. Access to the vehicle is required for destructive testing and analysis to determine the at fault party. I would greatly appreciate your looking into this claim and contacting me at your earliest convenience to determine if ADR will be scheduled for this case in the near future, or other arrangements will be made for testing of the vehicle prior to the ADR process. Thank you.

Jeff Kelley, Esq.  
Harding & Associates, P.C.  
730 17th Street, Suite 650  
Denver, CO 80202  
tel. 303-762-9500  
fax. 303-399-9689  
[jeff@hlaw.org](mailto:jeff@hlaw.org)  
[www.hlaw.org](http://www.hlaw.org)

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The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email ([postmaster@weil.com](mailto:postmaster@weil.com)), and destroy the original message. Thank you.

**From:** Jeff Kelley <kelleylawfirm@aol.com>

**To:** cwagner@alixpartners.com

**Bcc:** Kelleylawfirm@aol.com; phil@hlaw.org

**Subject:** Proof Of Claim for David Irwin, Claim number 25376

**Date:** Fri, Jan 22, 2010 1:19 pm

**Attachments:** Irwin\_Proof\_of\_Claim\_for\_BR\_ct.pdf (7730K)

---

Dear Ms. Wagner, thank you for your call today. As we discussed, I am attaching the supplemental information filed with Mr. Irwin's proof of claim. Please let me know if you need anything further to address our request for further testing on the subject automobile.

Jeff Kelley, Esq.  
Harding & Associates, P.C.  
730 17th Street, Suite 650  
Denver, CO 80202  
tel. 303-762-9500  
fax. 303-399-9689  
[jeff@hlaw.org](mailto:jeff@hlaw.org)  
[www.hlaw.org](http://www.hlaw.org)

**From:** Jeff Kelley <kelleylawfirm@aol.com>

**To:** brianna.benfield@weil.com

**Bcc:** Kelleylawfirm@aol.com; phil@hlaw.org

**Subject:** David Irwin Proof of Claim; Claim number 25376

**Date:** Tue, Jan 19, 2010 11:21 am

**Attachments:** Irwin\_Proof\_of\_Claim\_for\_BR\_ct.pdf (7730K)

---

Dear Ms. Benfield, thank you for your call today. As we discussed, I am attaching the supplemental information filed with Mr. Irwin's proof of claim. Please let me know if you need anything further to address our request for further testing on the subject automobile.

Jeff Kelley, Esq.  
Harding & Associates, P.C.  
730 17th Street, Suite 650  
Denver, CO 80202  
tel. 303-762-9500  
fax. 303-399-9689  
[jeff@hlaw.org](mailto:jeff@hlaw.org)  
[www.hlaw.org](http://www.hlaw.org)



**From:** Jeff Kelley <kelleylawfirm@aol.com>

**To:** vicki.r.williams@gm.com

**Bcc:** Kelleylawfirm@aol.com; phil@hlaw.org

**Subject:** ESIS File No. 668545 - OUR CLient, David Irwin - Concerning 2008 Saab

**Date:** Fri, Jan 15, 2010 12:07 pm

**Attachments:** Irwin\_Proof\_of\_Claim\_for\_BR\_ct.pdf (7730K)

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Ms. Williams, thank yo for looking into the options we may have to pursue our investigation of this matter, specifically, further testing of the 2008 Saab. As I mentioned, I am forwarding a copy of our proof of claim, which includes a "Summary Of Proof Of Claim and Additional Documents To Support Claim". I hope this information will be helpful to you in discussing this with counsel. The MCL claim number is 25376 and the schedule number is 1719703. Thank you for your assistance.

Jeff Kelley, Esq.  
Harding & Associates, P.C.  
730 17th Street, Suite 650  
Denver, CO 80202  
tel. 303-762-9500  
fax. 303-399-9689  
[jeff@hlaw.org](mailto:jeff@hlaw.org)  
[www.hlaw.org](http://www.hlaw.org)